

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: T. Peyton
Basso et al)
Serial No.: 09/828,342) Art Unit: 2182
Filed: April 6, 2001)
For: **METHOD AND STRUCTURE FOR INDICATION)
OF LAST DATA BUFFER OF A FRAME)
PACKET IN A NETWORK PROCESSOR)
Conf. No. 1717**

Docket No. RAL920000114US1 (IRA-10-5550)

Mail Stop Issue Fee
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR §1.181(a)**

Sir:

A Notice of Abandonment in connection with the above entitled patent application was issued by the Patent Office under date of May 11, 2006. The reason stated in the notice was indicated as item 3(b), i.e. "Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability."

The need for corrected drawings indicated in the Notice of Allowability dated October 20, 2005 was erroneous. Sheets 1 through 5 of formal drawings were filed to replace the informal version by amendment of December 7, 2004. In the Notice of Allowability, item 5(b) was checked which referred to changes required by "Paper No./Mail Date 10/14/04." No such

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document was ever received by applicants nor was such a paper issued by the Patent Office as was substantiated by the PAIR records.

Accordingly, on November 1, 2005 the undersigned attorney contacted Examiner Peyton to ascertain precisely what was being required in the notice. **The examiner indicated that the box for corrected drawings had been improperly checked and that she would send a new notice of allowance and notice of allowability rectifying this error.** Since no documentation was received as of December 1, 2005, the undersigned again contacted Examiner Peyton to determine when the revised documents could be expected. She advised that she had not yet issued the papers and would call the undersigned on December 5, 2005 to indicate what action she proposed to take. As of December 21, 2005, still no response was received. A review of the PAIR records indicated that a supplemental notice of allowability had been issued. When this notice was reviewed, it was observed that the 1449 form was initialed, as had also been requested by applicants, but that the corrected drawing requirement was still not deleted. Therefore, the undersigned again called Examiner Peyton to advise that the matter was still not corrected, but to no avail. A File Memorandum detailing the foregoing events is attached.

Since the issue fee was due on January 20, 2006, it was submitted to the Patent Office on January 5, 2006 to avoid abandonment of the application and in view of the fact that formal, acceptable drawings had been filed and were part of the allowed application.

Still awaiting some type of response and after the filing of status requests on July 19, 2006 and August 16, 2006 with no replies having been received, Petitions attorney Charlena Grant was contacted to determine the attorney who would be rendering a decision on the petition. The petitions attorney advised that the Patent Publication Department should be contacted. Brenda Moore of that department reviewed the petition and advised that the matter should be

returned to the examiner for correction. She indicated that the examiner must issue a new notice indicating that CORRECTED DRAWINGS DO NOT NEED TO BE SUBMITTED.

Accordingly, it is hereby requested that the holding of abandonment be withdrawn in view of the acknowledged error on the part of the Patent Office and also in view of continued efforts on the part of applicants to remedy the situation. An action to that effect is respectfully requested.

It is not believed that a fee is required under 37 CFR §1.181(d). However, if this is not the case and a fee will be due, the Commissioner is authorized to charge Deposit Account No. 50-0563.

Respectfully submitted,

Date: JANUARY 25, 2007



William N. Hogg, Reg. No. 20,156
CUSTOMER NO. 26675

WNH:cg

FILE MEMORANDUM

November 1, 2005

**Re: U.S. Patent Application of Basso et al for METHOD AND
STRUCTURE FOR INDICATION OF LAST DATA BUFFER
OF A FRAME PACKET IN A NETWORK PROCESSOR,
Serial No. 09/828,342, Filed April 6, 2001, Confirmation No.
1717**

IBM Docket RAL920000114US1 – Our File IRA-10-5550

A notice of allowance and notice of allowability were issued on October 20, 2005 in connection with the above entitled patent application. In the Notice of Allowability item number 5 indicated that corrected drawings were to be submitted which included the changes required by the examiner in the Office action of 10/14/04. A review of the file and of the PAIR records showed that no such action existed. Accordingly, WNH today called Examiner Tammara Peyton to determine what exactly was required in the notice of allowability. In addition, the patents listed on the 1449 form had not been initialed by the examiner and WNH also requested that the form be marked by the examiner and sent to us.

The Examiner indicated that the box for corrected drawings had been improperly checked and that she would send a new notice of allowance and notice of allowability correcting this error. She also advised that the 1449 form would be initialed and sent to us. However, the due date for payment of the issue and publication fees would remain the same, namely 01/20/2006.

December 1, 2005

Since we did not yet receive the corrected notice of allowance or the 1449 form initialed by the examiner, WNH again called Examiner Peyton to determine when we could expect the documents. She indicated that she had not yet had time to issue the revised papers and would call WNH on Monday, December 5, to advise what action she proposed to take. She indicated that it may even be necessary to withdraw the existing notice of allowance.

December 21, 2005

As of today's date, no response was yet received. Accordingly, PAIR was accessed and it was noted that a supplemental notice of allowability was issued on December 19, 2005. A copy was downloaded. The revision relating to the need for corrected drawings was not made but the initialed 1449 form was attached. Accordingly, WNH again called the examiner and left a message on her answering machine to the effect that the corrected drawing requirement was still not deleted.

WNH:cg